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Harvard College Library



FROM THE

BRIGHT LEGACY.

One half the income from this Legacy, which was received in 1880 under the will of

JONATHAN BROWN BRIGHT

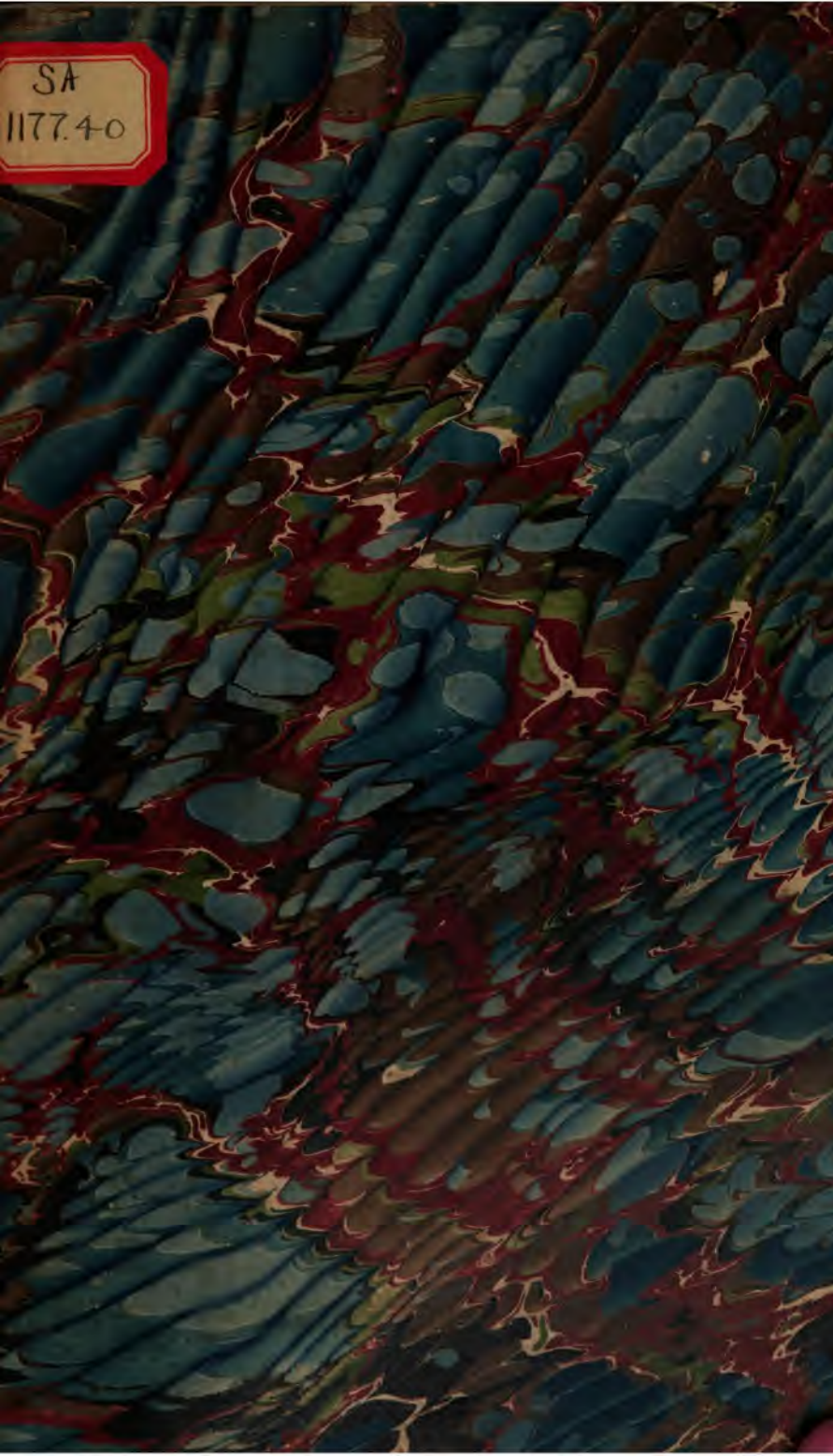
of Waltham, Massachusetts, is to be expended for books for the College Library. The other half of the income is devoted to scholarships in Harvard University for the benefit of descendants of

HENRY BRIGHT, JR.,

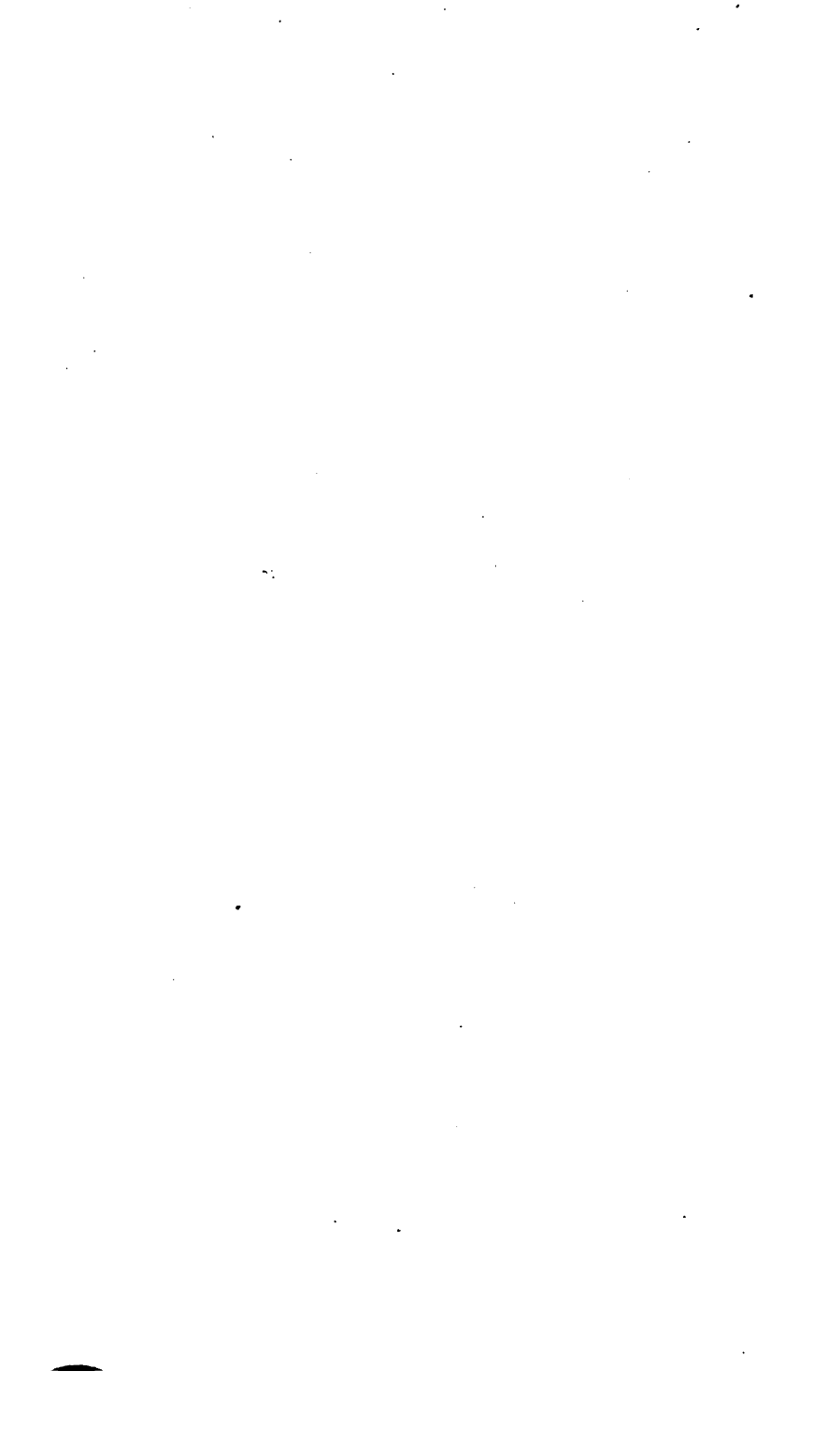
who died at Watertown, Massachusetts, in 1686. In the absence of such descendants, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.

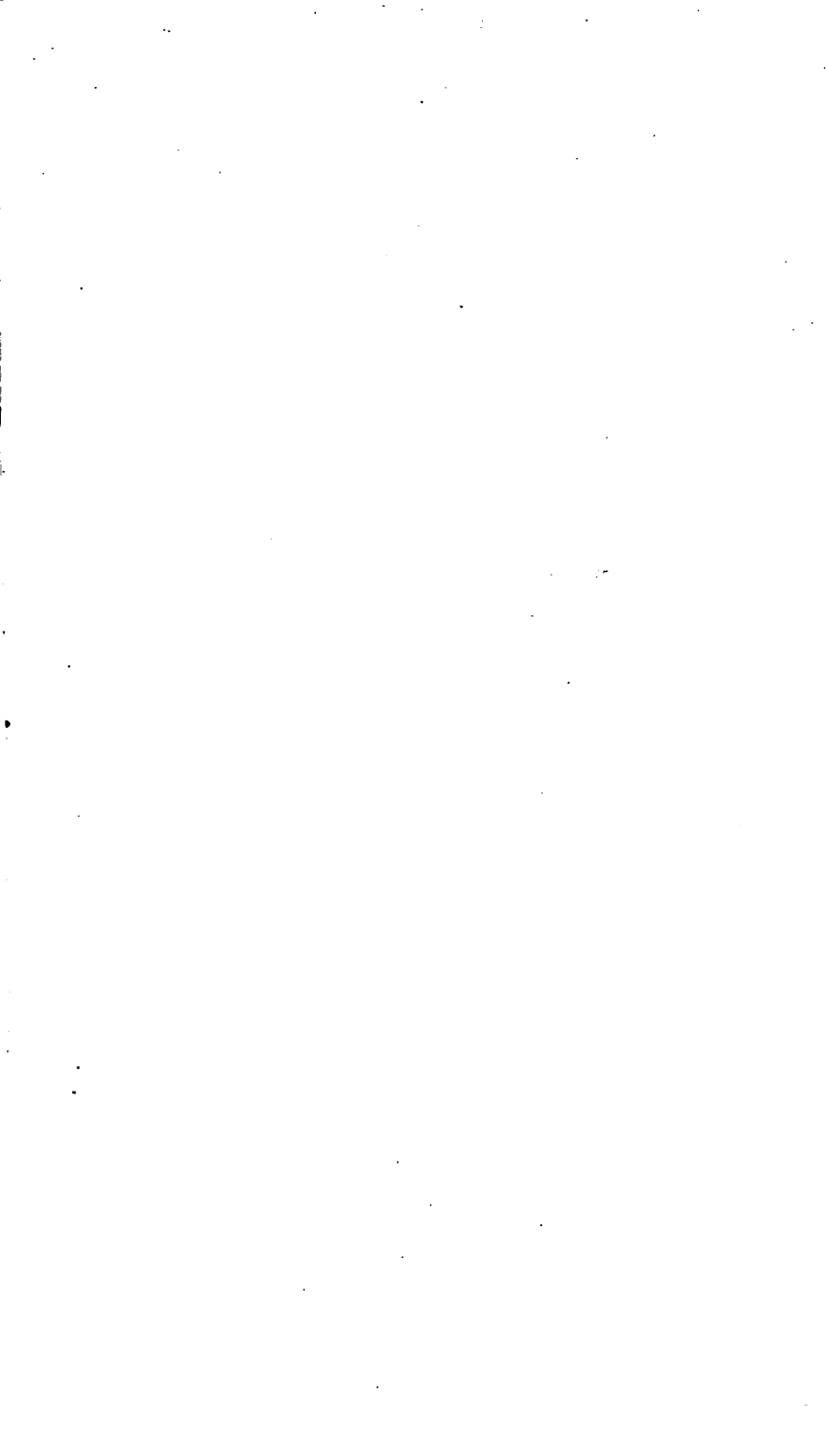






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A

Communication

FROM

SIR CHARLES BRISBANE, K.C.B.

GOVERNOR OF

SAINT VINCENT,

TO THE

HOUSE OF ASSEMBLY OF THAT COLONY,

Dated 17th of August, 1826.

ENCLOSING CERTAIN BILLS FOR MELIORATING THE
CONDITION OF, AND FOR EMANCIPATING THE
SLAVE POPULATION OF THE COLONIES:

TRANSMITTED BY

THE EARL BATHURST,

His Majesty's principal Secretary of State for the Colonies;

WITH THE

JOINT REPLY OF THE COUNCIL AND
ASSEMBLY THERETO.

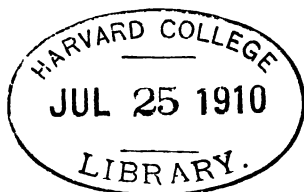
LONDON:

PRINTED BY

CHARLES M. WILlich, No. 8, PICKETT STREET, TEMPLE BAR.

1826.

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Bright Fund

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*Government House, Saint Vincent,
17th August, 1826.*

SIR,

IN obedience to the commands of His Majesty's Government, signified through the Right Honourable the Earl Bathurst, I have convened the present meeting of the Legislature, to submit for their consideration, with a view to the adoption of certain measures, (which I now have the honour to transmit to you, embodied in a Bill prepared by his Majesty's Crown Officers of the Colony,) for giving full effect to the improvements and appointments which are considered essentially necessary to secure to our Slave population the benefits therein contemplated.

Enactments upon a subject so comprehensive and important, I am aware require great deliberation. I think we may with reason expect many advantages from a more intimate and practical acquaintance with the operation of the proposed Law.

From the frequent expressions of the Legislature, of their readiness at all times to co-operate with Government, in furthering the great work of amelioration, I look forward with a lively interest as to the result of their deliberations on the subject now laid before them; and while I earnestly entreat attention to the desires of the Imperial Parliament, and of every class of society in Great Britain, I cannot but allude to the exertions made in the mother country, to enforce these measures, but which His Majesty's Government have preferred should be the spontaneous act of the Colonies themselves.

It will be my duty to report the progress which may be made in carrying these intentions of His Majesty's Government into operation, and I do sincerely hope I shall shortly have the pleasure of transmitting for His Majesty's consideration, such an Act as will give effect to the various provisions, and reflect the highest honour on the character, the loyalty, and liberality of this flourishing Colony.

I have the honour to be, Sir,

Your most obedient,

humble Servant,

(Signed) C. BRISBANE.

The Honourable John Dalzell, &c. &c.

(COPY.)

Saint Vincent, September 5th, 1826.

SIR,

HIS MAJESTY'S Council and the House of Assembly entered upon the consideration of the measures which your Excellency submitted to the Legislature on the 17th of August, with that diligence and anxiety which the nature of the subject demanded; and moreover, with a fixed and unfeigned determination, to meet and to conform on every practicable point, to the wishes of His Majesty's Ministers:—In addition to this feeling, the Council and Assembly are actuated by a sincere desire, not only, not to treat the declared opinions of Parliament with the semblance of contumacy, but to evince their continued affection for our gracious Sovereign's Throne and Government, and their unabated attachment to the laws and constitution of the Country: but it is distressing to reflect, that they are, nevertheless, by an unexampled course of circumstances, placed in such a situation as to have no other course of proceeding left, but that which will appear at variance with those express intentions and desires of Government. We can only pursue a frank and manly line of conduct, by at once declaring our opinion, that many of the proposed Enactments, the draft of which has been laid before us, are unsound in principle, and totally inapplicable to the

present state of Slavery, while others appear ill-timed and inexpedient, if even viewed with exclusive reference to the class of society in that state.

The Council and Assembly freely admit that those measures have been framed in England, with good intentions, and on the most benevolent principles, and that many persons there, with the best intentions towards the Colonies, are of opinion that their legal operation would prove, not only, not detrimental to the rights and interests of the Master, but would materially improve the moral condition and physical comfort and happiness of the Slave. This proposition we maintain to be extremely erroneous, and charged with the most troublesome and dangerous consequences to both parties. Thus, unhappily, at the very threshold of this important question, we are compelled to be at issue; and unless we shall be fortunate enough to convince those in power that our apprehensions are not groundless; not only will the amelioration of Slavery be greatly impeded, but such strife and confusion may speedily pervade these Colonies as will ever after leave the safe practical decision of the question hopeless. Measures of doubtful expediency are thrust upon the Legislatures with a haste and dogmatism unknown in more temperate and unprejudiced times, and equally at variance with that sound and deliberate consideration, usually bestowed on great questions affecting or impugning at

once moral principles and civil rights. It is admitted we are on the road leading to the amelioration of personal Slavery ; but instead of making our route with the caution of prudent commanders in an unknown country, no progress is satisfactory but that made by tiresome forced marches, with one division only, while the unwieldy undisciplined mass—the main body—the moral character and propensities of the Negro, are left unheeded and unprotected in the rear.

Acting as the Government avowedly professes, on the principle that the Master and Slave are equally to reap the benefit and advantage of their proposed measures, they appear to have closed the door against any further discussion of their safety or practicability :—No contrary opinion appears to have weight, however respectable the source from whence it is derived. Lessons that have been acquired by disinterested parties from experience and knowledge of the actual state of the mind and habits of the Negro population, are received with a thrilling indifference ; and finally, the entreaty or even remonstrance of those who contend and shew that their prosperity and fortune, at the least, are at stake on the result of those measures, is met with silent reproof, or determined hostility. Thus circumstanced—with such a host of opinions and authorities against them, on the expediency of enforcing a doubtful and dangerous experiment, which is to affect for ever a million of people, and

millions of property, not one moment's delay will be allowed—no day for reflection and re-consideration; and Ministers seem to hesitate at no part of this perplexing question but the pledge of compensation, which they openly affirm the Colonists have no right to expect or demand. The Council and Assembly decidedly maintain, that the enactment of those measures would not only remove from the Proprietor all that wholesome and salutary controul over his Labourers, which has grown up with, and now is incorporated in, the very best parts of the system, and which is still necessary for the security and well being of both; but that it would abridge in every respect, and destroy in many others, those hitherto undoubted rights of property, without the exercise of which, for the present, the Plantations would become equally ruinous to the owner, as the Colonies would prove unproductive to the parent State. We therefore, for these, and the other reasons hereafter to be enumerated, cannot consent to become the agents for executing measures, from the result of which we can only contemplate one unvaried scene of disquiet, contest, or ruin. The West India Estates, such as they are, once in the proudest day of Britain in her zenith, cherished and esteemed by her most valiant sons and wisest statesmen, but now cast off, contemned, and detested, the Proprietors are ready and prepared to surrender to the nation, on receiving a fair and clearly defined compensa-

tion for their value. Then the question between the Government and the Colonists, and between the Colonists and their calumniating adversaries, may, without any violation of national faith, or invasion of private rights, be finally and practically set at rest. The Proprietors will then bear their full share of so costly an experiment; but it appears neither just nor honest to cast on them alone the whole risk and loss, when they assert and believe the measure to be so pregnant with mischief and ruin to themselves.

The Council and Assembly do not wish to contend that the day will never arrive when those enactments may be seasonably and usefully applied. Another generation of Slaves may safely participate in all their intended advantages; but in the mean time, many preliminary improvements must gradually disclose themselves, which not even the omnipotence of Acts of Parliament can hasten. Orders in Council, however ably framed with reference to plausible theories, cannot eradicate in a day or a year, the craft and superstition of Savage Africa, in which the minds of a great proportion of the Slave population of this Colony are still imbued.—Orders in Council cannot infuse at once, and by magic, into minds thus benighted, the lights of sound feelings and intellectual endowments; and above all, they cannot, as it were, with the speed and plainness of the type, imprint upon a dissolute and unprincipled population, the sound,

mild, and benevolent doctrines of Christianity, just now fairly begun to be preached with success, by the educated Ministers of an established and responsible Church. When the completion, or even progress, of all those good works now commenced under such fair and promising auspices, shall have opened a safe and practicable road to the expanded minds and improved hearts of the negroes, then the Legislature of Saint Vincent will be foremost, as it already has been, to extend to that class of society those rights and privileges which time and religious instruction only can fit them to receive and enjoy, with happiness to themselves and advantage to their Masters.

It has already been remarked to your Excellency, that many of the most valuable of the proposed enactments, are either positively or virtually in operation here, under the Slave Act which obtained your Excellency's sanction last December; and that others are so directly at variance with the ties that connect the Master and Slave in the bond of reciprocal protection and service, that they seem inadmissible either for the purpose of restricting the one or of relieving the other of those parties, even admitting that restraint on the one hand, and relief on the other, be necessary. It now remains for the Council and Assembly to endeavour to support this proposition with as much brevity as the nature of the subject will admit.

The draft of "*a Bill for appointing a Protector of Slaves*," appears quite uncalled for in Saint Vincent, and would merely create a new and expensive office, with inconvenient and perplexing machinery, to accomplish a purpose that is already fully attained by the most simple and unobtrusive means. The Attorney-General of the Colony receives his appointment from the Crown, and the Legislature has granted him a salary of 500*l.* currency per annum, fixed in the same permanent manner as that granted to your Excellency: this salary is in lieu of all fees of office in criminal proceedings. This officer is by custom and by law the Protector of Slaves, and bound to prosecute all serious offences against them; or such as are not cognizable and remediable by the Magistracy, who are in like manner *Assistant Protectors*, without the name only; but armed by law with all the powers in minor offences contemplated by the proposed Bill. In support of this fact it will be merely necessary to have reference to the 25th and 26th Clauses* of the Slave Act.

* **CLAUSE 25th.**—And be it further enacted, by the Authority aforesaid, That in case any Justice of the Peace shall receive any complaint, or credible information from any Slave, or otherwise, that any Slave or Slaves has, or have been, wantonly or improperly punished or confined, contrary to the true intent and meaning of this Act, it shall and may be lawful, to and for such Justice to associate one other Justice with him, and to issue their warrant to any

In the event of any person whatever being charged with any of those enumerated offences, or others

Constable, ordering him immediately to proceed to the place where such Slave or Slaves is or are confined ; and to release and bring him, her, or them before the Justices ; who are hereby authorised to commit the said Slave or Slaves to the Gaol, until enquiry shall be made into the facts ; and if, upon such enquiry, it shall be found that the said complaint is true, it shall be the duty of the said Justices, and they are hereby required to prosecute the offender according to Law ; but if it shall appear that such complaint was groundless, the said Justices shall punish the complainant, and the person giving information thereof ; if a free Person, by imprisonment, not exceeding ten days ; and if a Slave, by any number of stripes, not exceeding thirty-nine, and commitment to hard labour for a period not exceeding ten days, and the costs and charges of the prosecution shall be paid by the Treasurer or his lawful Deputy, in case the Owner or Owners of the Slave or Slaves shall not be capable of paying them, upon certificate of the President of the Court to that effect.

CLAUSE 26th.—And be it further enacted, by the Authority aforesaid, That if any Owner, Possessor, or other Person whatsoever, shall, at his, her, or their own will and pleasure, or by his, her, or their direction, or with his, her, or their knowledge, sufferance, privity, or consent, wantonly or cruelly whip, maltreat, beat, bruise, cut, wound, or imprison, or keep in confinement, without sufficient support, any Slave, or Slaves, he, she, or they shall be liable to be indicted for such offence, and upon conviction shall be punished by fine, not exceeding one hundred and fifty pounds, or imprisonment, not exceeding twelve months ; or both, for each and every Slave so wounded, punished, or confined, as aforesaid ; and such punishment

of a serious nature, against Slaves, not punishable summarily by the Magistrates or *Assistant Protectors*, they are bound in the words of the Act, "*to prosecute the offender according to Law*," that is, by returning the examinations in the case in writing, to the Crown Office, and by binding over the parties and witnesses to attend at the Court of Grand Sessions of the Peace. In the case of Slaves being witnesses, their master must enter into recognizances for their appearance in like manner. The functions of the Attorney-General, or *Protector*, then commence, and he necessarily follows up the proceedings till the offence is investigated, and the criminal punished, in the same manner, and with all the form and solemnity proposed in the Bill for appointing a Protector. In fact, we can safely assert, that in

is declared to be without prejudice to any action that may be brought for the recovery of treble the value of such Slave or Slaves; for, or on account of the same, in case such Slave or Slaves shall not be the absolute and entire property of the offender; and, in atrocious cases, where the Owner of such Slave or Slaves shall be convicted of such offence, the Court are hereby empowered, in case they shall think it necessary, for the future protection of such Slave or Slaves, to declare him, her, or them free, and discharged from all manner of servitude whatsoever; and to order and direct the said one hundred and fifty pounds to be paid to the Treasurer, or his lawful Deputy, who shall pay to each of the said Slave or Slaves, so made free, the sum of fifteen pounds per annum, for his or her maintenance and support during life.

no case does a slave lose the protecting power of the Attorney-General, until, by his own misdeeds, he stands arraigned as a criminal, either for an offence against a fellow Slave or person of free condition, and in either case the Legislature can triumphantly appeal to the Slave Act, *Clause

* CLAUSE 69th.—And be it further enacted, by the Authority aforesaid, that if any Slave or Slaves, charged with any of the before-mentioned offences, or any other offence whatsoever, which may render him, her, or them liable to the punishment of death, transportation, or imprisonment for life, shall be tried in all respects, in the same manner as free persons at the Court of Sessions; and, six days before the sitting of the Court, the Clerk of the Crown and Peace shall deliver a list of all the Slaves so to be tried, to the President of the Court, who shall thereupon appoint a Barrister to act as Counsel for each prisoner, and in case of an indictment between the said six days and the sitting of the Court, then and in such case Counsel shall be appointed for the prisoner as early as may be, and the Jury shall, if they find the prisoner guilty, ascertain the value of him or her, and such value of such condemned Slave shall be paid to the owner or possessor of such Slave so condemned or executed, out of the Public Treasury of these Islands, upon producing the certificate of such condemnation and appraisement, under the hand and seal of the Judge presiding at the trial of such Slave or Slaves, and also the certificate of the Provost-Marshal General, of the execution, transportation, or imprisonment of such Slave or Slaves, except it shall appear that the owner or possessor of such Slave or Slaves had refused to deliver up such Slave or Slaves as herein-after mentioned: and the Counsel so appointed to defend

69th, to shew that no sooner is he reduced to this situation, than he is transferred to other hands equally capable of defending and protecting him. Admitting the worst view ever taken of the character of the proprietor, it will be here seen he has not the power, if he had the inclination, of leaving his Slave to his fate; but that in the hour of his distress, and at the day of trial, the public purse is opened for his benefit and protection, and all the talent and humanity of British Barristers at his command.

On the important question of "*Slave Evidence*," the Council and Assembly must again appeal to the measures the Legislature has already adopted in this delicate and yet untried subject. The only variations from the Trinidad Order in the Slave Evidence Enactment, Clause 66th,* are, that Slave

the prisoner shall be paid by the Treasurer or his lawful Deputy the sum of sixteen pounds ten shillings currency.

* CLAUSE 66th.—And be it further enacted, by the authority aforesaid, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any cases of murder, felony, or any other offence which shall subject the party or parties guilty thereof to suffer Death or Transportation, by reason of the said witness being in a state of Slavery; provided always, that the Slave or Slaves produced as a witness or witnesses, shall at the same time produce before the Judge, Justice of the Peace, or Court to which any Grand Jury or Petty Jury are summoned, a certificate of his, her, or their Baptism, under the hand of the Clergyman of the parish in

testimony is inadmissible in prosecutions against their Master or his Agents over them ; and that a

which he, she, or they shall have been resident at the time of his, her, or their Baptism, or an extract of the entry of such Baptism from the registry of such Parish or Cure ; and also a certificate under the hand of a Clergyman, and of the Proprietor, or the Attorney of the Proprietor of such Slave or Slaves so produced as a witness or witnesses, that such Slave or Slaves is or are of good character and repute, and that he, she, or they, have been sufficiently instructed in the principles of religion, as in the judgment and belief of the party so certifying, to understand the nature and obligation of an oath. And provided also, that the Court, before which such Slave or Slaves is or are produced as a witness or witnesses, shall be satisfied on examination with such certificates, and of the accuracy of the facts therein certified. And provided also, that no white person or free person shall be convicted of any of the crimes aforesaid, on the testimony of any Slaves, unless two of the said Slaves, at the least, produced as witnesses, clearly and consistently with each other, depose to the same fact, act, or circumstance, and also, unless the said Slaves are examined apart, and out of the hearing of each other. And provided also, that no white person or free person shall be convicted on the testimony of any Slaves, of any of the crimes aforesaid, unless the person or persons be charged and prosecuted for the said crime or crimes, within twelve months after the commission thereof. And it is hereby expressly declared and provided, that no person being in a state of Slavery, shall be admitted to give evidence in any case where his or her Owner, or the Attorney, Manager, Overseer, or person having the charge of such Slave, may be charged with or prosecuted for any of the crimes aforesaid ; or in any

certificate of good conduct is required from the Master or Attorney, in addition to the other guards in that order. These additional precautions were thought highly advisable in the mere infancy of this experiment, because it was deemed improper to place the Slave at once, before he could well comprehend the nature of the privilege extended to him, in direct and public opposition to his Master; and, because Slaves might frequently be brought up to give evidence, who, from the retired nature of their habits and secluded residence, could only be known personally, or with reference to their moral habits and general behaviour, by their Master or his Agents. If there be a man of talent in England excepting the member for Winchester, pretending to a knowledge of the Negro character, who will say these reasons do not apply forcibly to the subject, then the Council and Assembly will doubt their own judgment. But we are by no means inclined to be inflexible in future enactments with reference to Slave evidence in criminal matters, when it shall be found that no danger and inconvenience have been experienced from the extent to which it is at present admissible: In civil proceedings however, we think it advisable to take a more decided course, from the conviction that here it is perfectly unnecessary, and that its admission would neither promote the pub-

case where any white person may be charged with or prosecuted for any offence punishable with death.

till the fact shall have been satisfactorily and practically established, that free agricultural labour may be, and can be, substituted at the will of the Proprietor for that which he would be deprived of by the operation of compulsory manumission; and that too, upon terms equally advantageous in point of expence. When this desirable point has been established, His Majesty's Ministers will find the Colonists as willing to adopt this measure as they can possibly be to propose it; although the Council and Assembly should then still fail to see their way clear, through the other numerous and well founded objections to it, in the present state of negro habits, wants and propensities. Many of these objections have been already urged with so much force and truth from other quarters, that it would prove fruitless to repeat them in this place, or to enlarge upon the danger and absurdity of extending the privilege to "*reputed relations*," when so much pains are now taken to inculcate marriage and the other kindly and domestic affections.

Among the numerous cases of Manumission to the present time, we have been unable to trace, in this Colony, a solitary instance of an agricultural Slave obtaining his freedom, and remaining for

by a Warrant under the hands and seals of two Justices, directed to the Provost-Marshal General, or his lawful deputy.

wages, or any other consideration, at his original occupation on a Sugar Estate; nor do we think that any reasonable compensation, in the shape of money wages, would induce one of them at the present moment, to return to the continuous, although not onerous labour, necessary for the culture and manufacture of sugar. If this be the fact, and we challenge enquiry into, and disproof of it, if possible; what prospect would the unfortunate planter in Saint Vincent have before him, but that of depopulation of his once valuable Estate, and consequent ruin to himself and family? The Law now rigidly prohibits the importation of agricultural Labourers from the neighbouring and over-peopled Colonies; and if the proposition be admitted, that Slaves, when made free, even with the consent of the Master, invariably act as has been represented, in what quarter is the proprietor to seek relief from such a prospect, or can it be said the fears he entertains are unfounded?

This Colony contains a vast proportion of uncultivated land, perhaps sufficient to maintain, on a scale commensurate with their present wants, its whole Slave population; those lands are hilly, and sometimes mountainous, but abounding in rich ravines, extremely well watered, always from the geographical form of the island, contiguous, on one side or on the other, to the sea; and affording every other inducement to an easy or indolent life. The self-manumitted Slave, by whatever

means* this purpose had been accomplished, would invariably leave the property of his former master, and retire to some delightful spot, of one hundred feet square of this land, on the banks of a rivulet; where, with a few hours light work in each week, he would maintain himself, and be relieved from the only evil of magnitude which, in his estimation, this world ever presented to him—*persevering daily labour* : while the master, out of the remnant of his dilapidated estate, and deteriorated means, would be compelled to support the aged relations of this very freed man, and perhaps his infant children, till they should be fit to place themselves beside their indolent, and now half-savage father. Until this deep-rooted error has been eradicated, or in some measure removed from the mind of the Plantation Negro, it cannot be difficult to foresee and to comprehend all the disastrous consequences the Council and Assembly apprehend from compulsory Manumissions. It would prove tiresome, and perhaps unprofitable, to enter into the details of this measure, or it might be clearly shown that, for a healthy young field Negro, the sum of five hundred pounds sterling would prove an inadequate compensation to the Proprietor of a Sugar estate, unless he could at the same time make a sale of the whole of them; as the removal of his

* Honestly acquired money, theft and plunder, or Societies formed for liberating him.

young labouring hands, one by one, would leave the establishment to be upheld at the same expense with diminished means for cultivation; and therefore prove a harassing prolongation of his ruin. It is possible, that in some of the long settled, populous Colonies, with exhausted soils, and subject to continued droughts, this measure of compulsory manumission, may not present such insurmountable obstacles; should it therefore be enacted in those Colonies, still all the well founded alarm and danger to be apprehended from it, would remain undiminished in St. Vincent.

The machinery by which the Bill proposes to render the measure operative, is so odious and unconstitutional, that it would be a severe reflection on the spirit of the Mother Country, to suppose her descendants would quietly submit to place the disposal of their entire property in the hands of a single Judge and Protector. In questions of property, as well as of life, British subjects have been taught to believe in, and rely on, the efficacy and necessity of the interposition of a Jury, even to the value of ten pounds; while here, for the first time since the signing of the Bill of Rights, at four thousand miles distance from the fountain head of English jurisprudence, a new Star Chamber Court is proposed to be erected, and one hundred millions of wealth, to be placed at the disposal of some twelve or fifteen Judges and Slave Protectors, without remedy or appeal

left to its hitherto unfortunate, but now insulted Proprietors.

“ *The Bill to prevent Slaves being separated by legal sales from their families,*” is of minor importance. This separation was proved, in an address from the Council and Assembly to your Excellency, of the 4th September, 1823, never to happen with respect to Agricultural Slaves in St. Vincent; and the Act of Parliament already alluded to for “ *Consolidating the Slave Laws,*” having prohibited the removal of all Slaves, excepting domestics, would seem to obviate the necessity of further enactment on this subject in a Colony of such confined dimensions. There has not been a Marshall’s sale of Agricultural Slaves separated from the soil for many years; and nothing seems more improbable than such an event in future. In an Island, as has been already remarked, of trifling extent, the whole of the objections are removed that (would in an extensive country) apply to tradesmen and domestics, who, of the same family, frequently have different owners, and are never separated more than members of a family in England when seeking service or employment in the same parish. Once a month, or even once a week, they may exchange personal intercourse and kindred offices, by making a journey of a few miles.

The Legislature, in the 10th Clause* of the

* CLAUSE 10th. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for any

Slave Act, has anticipated "*the Bill to regulate Marriages*," with the exception of the right of the Slave to appeal to the Protector against his master's determination. And here again we are forced to lament that precipitancy, with which all those measures are forced upon the Colonists. Those who best know the present feeble state of intellect and judgment in the Negroes generally, may well express surprize that, that wholesome controul with which the law invests the father of a family over its disposal in marriage, should be denied to the Master in the case of his Slave. In

Slave who may be desirous to intermarry, to apply to any clergyman of the established church of England and Ireland, to solemnize any such marriage as aforesaid, who are, and each and every of them is hereby required, to solemnize the same without fee or reward. Provided always, that such Slaves shall produce to such clergyman the consent in writing of their Owner or Owners, Manager or Managers, to the celebration thereof; and provided also, that such clergyman, upon previous examination of such Slaves, consider them to have a proper and adequate knowledge of the nature and obligation of the marriage vow: And provided further, that such marriages shall not confer on the parties, or their issue, any rights inconsistent with the duties which Slaves owe to their Owners, or to the Government, or at variance with those rights which the owner, or the Government are by law entitled to assert over the Slaves and their progeny, or subject such Slaves, so intermarrying, to any penal infliction, the effects of which might destroy the rights, or injure the property of their Owners.

the formation of so important a connection, it is impossible that any other authority can be so beneficially interposed as that of the Master; the true interests* and happiness of the Slave must for

* **CLAUSE 5th.** And whereas, by the usage of these Islands, Slaves have been permitted to acquire, hold, and enjoy personal property, free from the controul or interference of their Owners, and it is expedient that such laudable custom should be continued and established by law; Be it therefore enacted, by the authority aforesaid, that if any Owner or Possessor of any Slave or Slaves, or any other person or persons whatsoever, shall unlawfully take away from any Slave or Slaves, or in any manner deprive, or cause him, her, or them to be deprived of any species of personal property, by him, her, or them lawfully possessed or acquired, such person or persons shall forfeit and pay the sum of ten pounds, over and above the value of any such property so taken away as aforesaid; the same to be recovered by Warrant under the hand and seal of the Justice of the Peace before whom the complaint shall be laid, and the facts proved.

CLAUSE 6th.—And be it further enacted by the authority aforesaid, that if any white or free person who is not the Owner or Director of any Slave, shall take away, or cause to be taken away from any Slave, any article or thing whatsoever; or shall take, or cause to be taken away from any Slave, any stock, meat, vegetables, fruit, provisions, grass, or any other article or thing which such Slave shall be authorised by any present or future existing laws, usages, or customs of these Islands to sell or possess, or shall, after purchasing from any such slave any of the articles or things aforesaid, refuse or omit to pay him or her the price agreed upon for the same, or

every possible purpose be his primary object, and therefore it is contrary to the most obvious princi-

shall remove or take away by force from any Slave, or trample on the ground, or scatter about or destroy, any article or thing whatsoever aforesaid, or cause the same to be done; in any such cases, on complaint made by the Owner or Director of the said Slave, though it may be without oath, to any Justice of the Peace in or near the parish where the offence is committed, such Justice shall, and he is hereby authorized and directed, by an Order in writing under his hand, stating the complaint made by such Owner or Director, to command such person or persons against whom such complaint was made, to appear at a time and place to be specified in such order, before him and any other Justice who may be then and there present, that such complaint may be examined into: and such Justices are hereby authorized to take the examination of such person complained of, upon his or her own oath with respect to the complaint, who shall be compelled to answer upon oath, such questions as the said Justices may put to him or her; and if such person shall not fully answer such questions, or having been duly summoned, refuse to appear as aforesaid, he or she shall be considered as convicted of the said offence: or if such person, having fully answered such questions, shall not fully exculpate himself or herself, or shall be otherwise convicted before the said Justices, he or she shall be compelled to pay compensation for the full value of the property injured, taken, or destroyed, and moreover be fined by the said Justices in any sum not exceeding Ten Pounds current money; such compensation and fine to be recovered by warrant under the hands and seals of the said Justices, directed to any Constable, commanding

ples in life, to suppose that his decision in the case marriage, should be at variance with those interests and that happiness. Marriages are daily taking place; and the Council and Assembly believe, that no single instance of dissatisfaction or disappointment on this subject has been felt or expressed by a Slave.

“*Sunday Markets*” the Council and Assembly, on a former occasion, stated to your Excellency that the Legislature has taken a preliminary step towards abolishing, by the 7th and 9th Clauses*

him forthwith to levy on the goods and chattels of such offender, sufficient to pay such compensation and fine with all costs and charges attending all the proceedings aforesaid; and for want of such goods and chattels to commit such offender to the Common Gaol, for any time not exceeding twenty days; and such constable shall execute such warrant under the penalty of Five Pounds current money aforesaid: and the said Justices shall, upon recovery of the said sum of money, pay the compensation to the slave, and the fine into the public Treasury.

* **CLAUSE 7th.**—And be it further enacted, by the authority aforesaid, that no shop or store shall be kept open on Sunday, under a penalty of Ten Pounds. Provided that nothing herein contained shall extend to the prohibition of dressing or selling meats in taverns or victualing-houses, nor to the sale of meat, fish, bread, and other necessities of life on that day, so that the same do not take place during the hours appointed and set apart for divine service.

CLAUSE 9th.—And whereas, it is proper and necessary

of the Slave Act. It is impossible to clear away in a day all the difficulties surrounding so many complicated subjects, and if the Government will force upon us laws before events have ripened for their reception, they will retard rather than hasten the attainment of those salutary results for which the Colonists, equally with themselves, are anxious.

The 11th and 12th Clauses* of the Slave Act

to limit the duration of Sunday Markets holden in the town of Kingstown, be it further enacted by the authority aforesaid, that from and after the first day of June, one thousand eight hundred and twenty-six, the market holden in the town of Kingstown on Sundays, shall be limited to the hour of ten o'clock in the forenoon, and due warning shall be given by the ringing of a bell at half past nine o'clock, to all persons to prepare to depart; and if any person or persons whatsoever shall remain therein and expose for sale any fish, meat, poultry, vegetables, provisions, fruits, herbs, wares, merchandize, goods, or effects, after the hour of ten o'clock, it shall and may be lawful for the clerk of the market, or any other constable, to seize the goods exposed for sale, and cause them on the following day to be taken before any one of the Town Wardens for the said town, or any Justice of the Peace, who upon view of such goods so exposed, shall order the same to be sold forthwith, and the proceeds thereof to be applied and disposed of as follows; that is to say, one moiety to the clerk of the market or constable seizing the same, and the other moiety to the poor of the said town and parish of Saint George.

* CLAUSE 11th.—And be it further enacted, by the authority aforesaid, that during crop not only shall the

accomplish much that is intended by the proposed Bill to prevent labor on Sunday, or any encroachment on the time usually allowed the Slave. General labor on Sunday has ever been unknown in Saint Vincent, either for the preservation of crops, or any other purpose, on the plantations or elsewhere. Sailors who navigate the craft around the Island in cases of emergency, and tradesmen, when accidents have befallen the buildings or machinery, are sometimes employed on Sunday, but constantly repaid, either with an equivalent of time, or in money, at the option of the Slave; but he is not compellable to the performance of this

Slaves, as heretofore, be exempted from the labour of the estate or Plantation, on Sundays, but that no mills shall be put about or worked between the hours of seven o'clock on Saturday night and four o'clock on Monday morning, nor shall any boiling-house be kept open after ten o'clock on Saturday night, or sugar boiled therein after that hour, under the penalty of Fifty Pounds, to be recovered against the Proprietor, Manager, or other person having the charge of such Estate.

CLAUSE 12th.—And be it further enacted, by the authority aforesaid, that every Field Slave on any Plantation or Estate shall, on work days, be allowed half an hour for breakfast and two hours for dinner, and that no Slave shall be compelled to any manner of Field-work upon any Plantation before the hour of five in the morning, or after the setting of the Sun, except during the time of crop, under the penalty of Fifty Pounds, to be recovered against the Proprietor, Manager, or other person having the charge of such Estate.

work ; and should his pursuits or inclinations lead him to decline it, the master must then look for assistance in some other quarter, and on the best and cheapest terms in his power. Why he alone, of all other men, should be deprived of this right by law, is, perhaps, one of the enquiries which even a West India Planter may be allowed to make, without being charged with impertinence. The wages generally given to sailors, tradesmen, and other able Negroes, when unavoidably employed on Sunday, holydays, or the *twenty-six other

* CLAUSE 13th.—And be it further enacted, by the authority aforesaid, that every Owner or Possessor of Slaves, belonging to or worked upon any Plantation or Estate in these Islands, or their Attorney, shall allow to each and every such Slave a sufficient portion of land adapted to the growth of provisions, for their support and maintenance ; and, between the first day of May and the thirty-first day of January, in each and every year, shall allow to each and every Slave, twenty-six full working days, over and above the Sundays, for the purpose of cultivating the said land, at the discretion of such Proprietor or Possessor of such Slaves, or their Attorney, and as to them may be deemed most advantageous and beneficial to such Slaves. And further, shall allow to their Slaves, except those necessary about their houses, and Stock-keepers, Good Friday, Christmas Day, and the two days next following, for their recreation, and no more or other days during the twelve Christmas holidays. And if any person, Owner, Renter, or Manager of any Plantation or Estate, do not allow their Slaves the same days, as before

days secured to them by law, is ten shillings current money, or four shillings and four pence sterling each day.

The 21st, 22d, 23d*, and 24th Clauses of the

mentioned, for working their grounds, for their recreation and as holydays, or shall allow them any other or more days in the Christmas holidays than aforesaid, the person or persons so offending, shall forfeit the sum of Fifty Pounds current money of these Islands.

* **CLAUSE 21st.**—And be it further enacted, by the Authority aforesaid, That in order to restrain arbitrary punishment, no Slave on any Plantation or Estate, shall receive more than ten stripes at one time, and for one offence, unless the Owner, Attorney, Guardian, Executor, Administrator, or Manager of such Plantation or Estate, having such Slave under his care, shall be present; and no such Owner, Attorney, Guardian, Executor, Administrator, or Manager shall, on any account, punish a Slave with more than thirty-nine stripes at one time, and for one offence; nor inflict, nor suffer to be inflicted, such last mentioned punishment; nor any other number of stripes, in the same week; nor until the delinquent has recovered from the effects of any former punishment, under a penalty not less than fifteen pounds, or more than thirty pounds, for every offence; to be recovered against the person directing or permitting such punishment, in a summary manner, before any two Justices of the Peace; and upon conviction, to be levied by their warrant, directed to the Provost Marshall General, besides being subject to be prosecuted by indictment in the Court of Grand Sessions of the Peace of these Islands, as for an offence against this Act.

CLAUSE 22nd.—And be it further enacted, by the Au-

Slave Act offer a good answer to “ *The Bill to prevent Abuses in the Punishment of Slaves,*” or

thority aforesaid, that there shall be kept, upon every Plantation and Estate throughout this Island, and upon every Plantation and Estate in the Island of Bequia, and the other dependencies, a book, wherein it shall be the duty of the Owner, Proprietor, Manager, or other person having the charge and management of such Plantation or Estate, to enter and record all and every the crimes for which punishment shall be inflicted, and the nature and extent of every such punishment, exceeding ten lashes, upon such Plantation or Estate; and such book so to be kept on every such Plantation or Estate, shall be produced, when called for, by any Justice of the Peace, upon enquiry into any complaint of ill treatment of any Slave or Slaves, attached to, or worked upon such Plantation or Estate, under the penalty of twenty pounds, to be levied and recovered by warrant under the hand and seal of the Justice, before whom complaint shall be lodged, and demand made, as aforesaid.

CLAUSE 23rd.—And be it further enacted, by the Authority aforesaid, That no Slave or Slaves shall, from and after the first day of January, one thousand eight hundred and twenty-seven, carry any such instrument as is commonly called the cart-whip, as a mark or emblem of his or their authority, while superintending the labour of any Slave or Slaves, in or upon any Plantation or Estate; and the person or persons so offending, and each and every person who shall or may direct, authorise, instigate, procure, or be aiding, assisting, or abetting in any such illegal use, or exhibition of any such whip, as aforesaid, shall be deemed, adjudged, and taken to be guilty of a misdemeanor, and being thereof convicted, shall suffer such

to so much of it as is framed either with reference to the rights or feelings of the Master, or to the maintenance of due subordination on his estate. The Legislature is about to erect a treadmill as a substitute for whipping of females. Whenever it is found to succeed, and that not only whipping, which is now seldom ever resorted to, but that even the dread of it may be safely removed from the mind of the female Slaves, Your Excellency

punishment, as the Court before which such misdemeanour is cognizable, shall, in its discretion, direct.

CLAUSE 24th.—And be it further enacted, by the Authority aforesaid, That no person shall, on any pretence whatsoever, punish any Slave, whether his own property or otherwise, by fixing or causing to be fixed, an iron or other collar, round the neck of such Slave, or by loading the body or limbs of such Slave, for any offence whatsoever, with chains or weights of any kind, other than a light collar, without hooks, to indicate that such a Slave is an incorrigible runaway, or one accustomed to commit depredations on the grounds of the other Slaves; and which collar shall only be put on by the directions of a Justice, on due proof of the offence, under a penalty, not less than five pounds, nor exceeding fifty pounds, to be recovered in a summary manner, before any two Justices of the Peace, and all and every the Justices of the Peace, are hereby authorised and required, under the penalty of one hundred pounds, on information and view of such offence, to order such collar, chains, irons, or weights, to be immediately taken off from the Slave or Slaves wearing and bearing the same: save and except Slaves committed to the gaol or cage.

may assure the King's Government that the practice shall be immediately abolished by law. Many of the Clauses of this proposed Bill are marked with a degree of relentless rigour towards the weakness and failings of our erring nature, that is seldom to be found in the spirit of modern enactments. Everlasting infamy and ruin are made to attach to offences which, if not venial, are certainly not very malignant ; others are perplexing and vexatious ; and lastly, they shew that an unworthy prejudice is operating against the Proprietor, in a quarter where his true character and interests should be better understood and appreciated. This Bill would degrade the most respectable of the class to a station little better than that of lackey or dependant of the Slave protector.

These are the observations that present themselves to the Council and House of Assembly in the progress of the consideration of those important measures submitted for their enactment, by desire of His Majesty's Government. In declining *in toto* to accede to some of them, and in desiring time to watch the operation of so much of others as the Legislature has already adopted, nothing evasive is intended, nor any thing disrespectful offered, towards that Government. The Council and House of Assembly are sensible that an immense difference of opinion unfortunately exists

between His Majesty's Ministers and themselves; but they hope it will be met without any acrimonious feeling, and treated merely as that kind of dissonance which sometimes prevails on the agitation of new and momentous subjects, where even both parties occupy the same ground, and possess the command of equal means of accurate information. It has been elsewhere* remarked with reference to this subject, that on the expediency or safety of what is called "*the Catholic question*," the wisest and most eminent men have been differing for a quarter of a century, during which time the subject has been almost annually discussed. Evidence *on both sides* has been received. Inquiries of the most tedious and expensive nature have been instituted, yet those differences of opinion remain as irreconcilable as before.

The Council and Assembly feel confident your Excellency will cheerfully undertake to assure his Majesty's Government, that our aversion to those enactments, arises only from a conviction of their inexpediency, and their tendency to abridge or destroy all the rights of property of our constituents; without any pledge or even promise of compensation should our predictions be verified, and our apprehensions confirmed. It is only eight months since the enactment of the Amelioration Law, now so satisfactorily and beneficially in operation;

* Vindication of the Legislature.

your Excellency can bear testimony to the good intentions and benevolent views of the Legislature in framing this enactment, which comes so near to the desires of the Mother Country. This law has been treated with a degree of coldness and indifference which this Colony neither merited nor expected, after executing any similar enactment. It has been abused and misrepresented by the enemies of the Colonies, in an assembly where we have been taught to expect the wise and discreet remarks of men viewing great national questions on broad and dispassionate principles, and not with the heated zeal of partizans, or with the low quibbling of special pleaders. The Act was neither explained nor defended by those in whose hands the fate of the Colonies is deposited; we therefore feel that the Colony must stand or fall by its own determination. May the Almighty Disposer of Human events direct it to the right one, and lead it through the perils and troubles that surround us.

The Council and Assembly will act in the thorough conviction of the soundness of the opinions and statements here put forth, as applicable to the existing state of Slave propensities, and the duties and reciprocal rights of Master and Slave. Should another authority discredit those statements, and outweigh those opinions, and interpose a different course of proceeding, which shall produce all those misfortunes and calamities apprehended, then we shall stand acquitted of the charge of

having surrendered the rights or betrayed the trust
confided to our care.

We have the honour to be,

Your Excellency's most humble Servants,

(Signed) JOHN R. DASENT, President, *Pro. tem.*

(Signed) JOHN DALZELL, Speaker.

To His Excellency Rear-Admiral

Sir Charles Brisbane, K.C.B. &c. &c.



